

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

GARY M. VODICKA, §
§
Plaintiff, § § Civil Action No. 3:06-CV-2014-D
VS. §
§
SOUTHERN METHODIST UNIVERSITY, §
§
Defendant. §

MEMORANDUM AND REQUEST FOR RECUSAL

Following the recusals of two of my colleagues, this civil action has been assigned to my docket. I hereby recuse myself and request that the Chief Judge reassign this case to another judge of the court.

According to a November 14, 2006 letter to Judge Boyle, some defendants—the “SMU Parties”—request an emergency summary judgment hearing. They explain that time is of the essence in adjudicating a trespass to try title claim because it involves the possibility of the George W. Bush Presidential Library’s being located at Southern Methodist University. They also point out that one of the other candidates for the Library is Baylor University (“Baylor”). Were Baylor a party to a lawsuit on my docket, I would recuse myself. To avoid even the appearance of violating 28 U.S.C. § 455(a) by sitting in a case that could involve one or more decisions that would directly benefit Baylor’s chances of securing the Library, I conclude that I should not sit in this case.

Accordingly, I recuse myself and request that the Chief Judge reassign this case to another judge of the court.

November 16, 2006.



SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE